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FROM USMISSION UNESCO PARIS

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SUBJECT: USUNESCO BIOETHICS DECLARATION DISCUSSIONS AT THE 171ST EXECUTIVE BOARD

1. Summary. UNESCO's ongoing efforts to elaborate a universal declaration on bioethics were discussed by the 171st Executive Board on April 22, 2005. Divisions on the nature and usefulness of the declaration remain and it is not clear that those divisions will be bridged before the next round of negotiations in June. End Summary

2. Ambassador Sader of Uruguay, President of the Intergovernmental Meeting of Experts, reported that the consensus that, going into the April 4-6 Intergovernmental experts meeting, had been assumed to exist did not actually exist. He said he was consulting with countries already (the first consultation is set for May 12) and that he planned to hold an "open-ended" (meaning open to all) meeting of interested countries around May 15. This would be a negotiating meeting and not go paragraph by paragraph. More meetings, he said may be necessary; in fact, it may never be possible to get agreement. He also added that there would be an ad hoc group to work on "inconclusive areas." (Comment: We are not clear what this meant.)

3. Pierre Sane, the Assistant Director General for Social and Human Sciences, later in the session, said that the first informal meeting would be in May and would concentrate on the "key issues"; getting consensus on these issues will help move things forward. He talked of the Intergovernmental meeting in June lasting "at least 5 days."

4. In the discussion of the Executive Board Proposed draft decision (171EX/13), several countries (particularly Brazil) noted their dissatisfaction with the process and with the draft prepared by the International Bioethics Commission (IBC). Brazil said that many points had been "skipped over" and that IBC did not consult with governments.

5. The most interesting intervention was Canada's. After noting the "urgent need" for the Declaration, the support for it in Canada (or at least at a meeting held in Canada), and the need to address biosphere issues, the Canadian delegate said that because other fora are dealing with the issue, this declaration "cannot" deal with the biosphere. Also, he said, Articles 12 ["solidarity and cooperation"], 13 ["social responsibility"], 14 ["sharing of benefits"], 23 ["transnational practices"], and 26 ["international cooperation"] deal with "development issues" and "go beyond bioethical issues." "This declaration should be limited to issues that are not treated elsewhere." Duplication is harmful; one document could "contradict" the other.

6. The UK said it was concerned about the difficulties to be overcome. "We should not submit a document [to the General Conference] unless we have reached agreement, and we are far from getting it." We are "far from agreement" on scope, etc.

7. At several points during the Executive Board, France made it clear that they expect the universal declaration to be followed by a convention.

8. Italy offered to be a "facilitator" for a meeting to be held on "neutral territory" in a "more serene environment."

9. India said that while the relationship between man and his world presents moral issues, there are also practical issues. There is no consensus on the meaning of bio-ethics, and this has to be considered very carefully. "The scope and nature of the declaration should be clarified." "It must reflect international consensus." The June meeting should consider this "with gravity."

10. On the specifics of the proposed draft decision by the Executive Board (Item 16), the US delegation suggested in its opening remarks to delete "superlative" from Paragraph 5 of the proposed draft decision (a reference to the superlative work performed by the IBC), and said this amendment would be consistent with what had been said by the previous speakers (Brazil, Uruguay, and France). Subsequently, in the paragraph-by-paragraph discussion, Brazil suggested taking out both "congratulates" and "superlative." The US supported this. Australia suggested a compromise-leaving "congratulates" and deleting "superlative"--the original US proposal. There was a

consensus for this.

¶11. In its opening remarks, the US had suggested deleting "excellent" from Paragraph 7. In the paragraph-by-paragraph discussion, Brazil proposed eliminating this and also "the quality of" (the preliminary draft prepared by the IBC). Consensus formed around what the US had originally proposed. ¶12. In Paragraph 8, the US suggested changing the language to say that the government experts "should attempt to finalize a draft that can be presented." to make the point that there was still a lot to be done and it was not certain that it would be completed. The French referred to the US position on "should" in the Declaration itself and said that the language in the proposed draft decision that the government experts "should" finalize a draft is not a binding obligation. A number of countries, concerned about the process, offered support to the US position (Indonesia; India; UK, by saying high quality should be added). It was agreed to keep the text as it is in the draft decision-and the US pointed out that it agreed to this on the basis of the French explanation of the meaning of the word "should."

¶13. Comment: The meeting was significant for the number of concerns and objections raised to the process and the current draft of the declaration. In particular, it was significant that Canada took the opportunity to make an explicit and well-prepared opposition to the extension of the Declaration to issues of the biosphere and "social responsibility." France's determination to push for a bioethics convention is reminiscent of their efforts to pass a cultural diversity convention come what may.

OLIVER